United Nations A/58/708

General Assembly

Distr.: General
10 February 2004

Original: English

Fifty-eighth session
Agenda item 130
Report of the Secretary-General on the activities of the Office of Internal Oversight Services

Report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations

Note by the Secretary-General

1. Pursuant to General Assembly resolution 57/282 of 20 December 2002, the Secretary-General has the honour to transmit for the attention of the Assembly the attached report, conveyed to him by the Under-Secretary-General for Internal Oversight Services, on strengthening the investigation functions in the United Nations.

2. The Secretary-General takes note of the findings and concurs with the recommendations.

04-23529S (E) 050304

Report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations

Summary

In response to a request of the General Assembly for a review of the practice involving programme managers in investigative processes, with specific attention to independence, training and proper guidelines, the Office of Internal Oversight Services (OIOS) contacted 59 departments, offices, funds, programmes and missions (the offices) for information on their practices in 2002.

OIOS found, among other things, that:

(a) The data indicated that few investigations were done despite the yearly increase in serious matters reported to OIOS by the offices;

(b) None of the offices reported having any formal training programmes other than that provided by OIOS;

(c) Written procedures were not common, although guidelines had been developed by OIOS and had since been formally endorsed by United Nations system oversight offices.

The Joint Inspection Unit, in its report on this question (see A/56/282), strongly recommended both training and procedures for those responsible for performing investigations. The responses received appear to indicate that that recommendation has yet to be implemented. OIOS reaffirms the importance of the recommendations and will further implement the key principles embodied in those recommendations.

OIOS proposes undertaking appropriate activities in coordination with other United Nations oversight bodies and relevant departments to develop a policy on the role of programme managers in investigative activities; to look into the training of those responsible, including security officers and any other personnel assigned to conduct basic investigations; to prepare procedures for the handling of the less complex matters; to propel the development of the independent investigation function in the United Nations system; and to conduct a follow-up review and to report thereon to the General Assembly at its fifty-ninth session.

The offices were given an opportunity to comment on the present report, and any comments received have been incorporated therein.

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I. Introduction

1. The General Assembly, in its resolution 57/282 of 20 December 2002, endorsed the recommendation of the Joint Inspection Unit to strengthen the investigation functions in the United Nations system. In that regard, the Assembly requested that the Secretary-General ensure that United Nations programme managers who are implicated in incidents, crimes or irregularities leading to investigations are not involved in any way in conducting those investigations. The Secretary-General was also requested to review the practice of involving United Nations programme managers in investigations so as to ensure their independence in administrative and managerial functions and to establish proper guidelines to take into consideration the practice of internal control. Finally, the Secretary-General was requested to report to the Assembly on those issues at its fifty-eighth session.

2. To comply with those requests, the Secretary-General sought the assistance of the Office of Internal Oversight Services (OIOS) to conduct a review of United Nations departments, offices, funds, programmes and missions (the offices) regarding, among other things, the participation of management in investigations.

II. Background

A. Strengthening the investigation functions in the United Nations

3. In August 2001, the Secretary-General transmitted to the General Assembly a report of the Joint Inspection Unit entitled "Strengthening the investigations functions in United Nations organizations" (A/56/282). The Joint Inspection Unit made a number of recommendations, including on the issue of involvement of programme managers in investigations.

4. In its report, the Joint Inspection Unit began by noting that the investigation function had become an important component of internal oversight for United Nations organizations and that an effective investigation function was necessary to deter wrongdoing, assure proper accountability and maintain the confidence of Member States and other stakeholders in the integrity of the organizations they were supporting. According to the report, a wide variety of cases were investigated, from simple to more complex ones; they concerned staff as well as contractors and consultants who were not employees of the Organization performing services and supplying goods.

5. The Joint Inspection Unit noted the central role that OIOS has played historically in the development of the investigation function and its processes in the United Nations. Nevertheless, it observed that units of qualified investigators remained the exception and not the rule in the United Nations system. As a result of inadequate investigative capacity, United Nations management, including programme managers and those who provided administrative support, were frequently called upon to conduct investigations.

6. The many problems associated with programme managers participating in investigations were described in the report. Programme managers usually lacked both professional training and expertise in investigative techniques and might, therefore, overlook or lose significant evidence, mishandle evidence so that it would

be inadmissible in court, violate procedural requirements or compromise efforts to recover lost financial assets.

7. The Joint Inspection Unit observed that there must always be a question about the independence and impartiality of a manager conducting an investigation in his or her own area of responsibility. In a strong recommendation, the Unit urged that programme managers who participated in investigations at least be properly trained in investigative standards and procedures.

8. In its assessment of the report, the Committee for Programme and Coordination recommended that the General Assembly approve most of the recommendations and reported that questions had been raised about the desirability of involving managers in investigations. The Committee understood that caution would be exercised to ensure that the managers' independence and impartiality in their area of responsibility was guaranteed and that clear guidelines spelling out the extent of their involvement at all stages of the investigative process would be provided.[1]

B. Review by the Office of Internal Oversight Services

9. OIOS reviewed 59 United Nations departments, offices, funds, programmes and missions to obtain information that would permit an assessment of the nature and extent of the investigations conducted in 2002, the role played by management, whether guidelines existed and were followed and the nature of any training (see annex I). Most of the offices submitted at least partial responses to the request of OIOS. Unfortunately, owing to the scarcity of information provided by the offices, limited conclusions could be drawn on the participation of programme managers in investigations conducted in 2002. (The responses of the offices are summarized in annex II.)

10. The review sought to determine whether assurance could be given that programme managers retained the requisite *independence* in their administrative and managerial functions when they were involved in investigative processes, that they had been given sufficient and proper investigative *training* and that they had and used appropriate written *procedures* for the conduct of investigations. Programme managers, when confronted with allegations of wrongdoing or rule violations, are responsible for determining a proper course of action. They can either ask their security service or a board of inquiry to conduct investigations or refer the case, particularly if it is a more serious matter, to professional investigators. In making the present assessment, the critical norms for investigative activity are also set forth and reviewed.

1. Independence

11. As noted by the Joint Inspection Unit, independence is a significant factor in the proper conduct of investigations, connoting the principles of separation, impartiality and fairness on the part of those who have responsibility for investigation functions. In considering the question of independence, there is no substitute for having a separate professional investigative entity. Disinterested

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 16* (A/57/16), paras. 356-358.

formal systems set up to receive and investigate complaints are the standard in such professional investigative offices.[2]

12. In discretionary structures, however, independence can be almost non-existent or can be effectively negated by numerous factors, such as political, economic and personal considerations. Organizations bereft of separate professional investigative units may find that complaints and even final reports confirming acts of wrongdoing can be dismissed, ignored or sometimes discredited without recourse. On the other hand, professional investigative offices require proper recording of all complaints: full disclosure of any actual or potential conflicts of interest pertaining to case subjects, witnesses, locations or outcomes; and carefully prepared and implemented written procedures for the work performed and the reports issued.

13. Independence is a crucial factor from the outset, namely, in deciding which complaints to pursue and how to do so. In cases where the programme manager has received a report or a complaint, his or her objectivity and professionalism is decisive in ensuring the correct handling of a matter throughout the investigative process. It is the responsibility of the professional investigator to examine all evidence against the appropriate norms and within the regulatory framework of the Organization. Independence of the investigative function, then, allows for the fair and impartial assessment of the evidence obtained, the credibility of sources, the relative weight of the evidence and the methods and means of resolving cases. Unswayed by personal interest in the outcome, the independent investigator can conduct an inquiry utilizing training and protocols to ascertain what has happened, thereby serving the best interests of the Organization, while still leaving final decisions on the implementation of recommendations in the hands of management, which can rely on the impartiality of the findings. Any person assigned the responsibility of deciding what needs to be done when confronted with allegations of misconduct or rule violations needs to ensure that those norms are followed. This may require that for serious matters, the appropriate response of a programme manager is to refer the matter to the dedicated investigative unit in their Office that is responsible for handling the more complex and difficult cases.

2. Training of investigators

14. Independence in the investigation function can be undermined when untrained staff are assigned the task of conducting investigations, particularly in complex and sensitive cases. Professional investigators take a variety of courses in law, interview techniques, forensics and related fields. They are usually also apprenticed to more senior and experienced investigators. Both formal training and apprentice training provide the professional investigator with the theory and norms of investigations and their applications. This process is neither easy nor rapid, and requires skill, aptitude and dedication. The years of learning allow the professional investigator to undertake complex and serious cases with the range of skills necessary.

15. The table in annex II reveals that the basic investigative course developed and given by the Investigations Division of OIOS is the only investigative training provided in the United Nations system. This one-week course does not purport to provide the full range of training needed by an investigator, even at the entry level. It was developed by OIOS in response to an obvious need to strengthen the capacity

[2] It is worth noting that modern investigative practice fully supports the notion of the proactive role as well as a reactive one to promote early detection, prevent malfeasance and reduce risk.

of staff, such as security officers and other such staff, to conduct inquiries into less serious matters, such as traffic cases, fires, simple thefts, loss or misuse of equipment and basic rule violations not involving serious criminal conduct, which are within their area of responsibility. Although less complex, such matters still require training to ensure that basic investigative procedures are understood and followed. For their part, the programme managers need to have the skill sets to assess the seriousness and implications of the investigative matters brought to their attention so that they can decide whether to have their local staff handle the matter or to refer it to professional investigative units within their offices.

3. Investigative procedures

16. The responses received by OIOS also indicate that most offices lack written procedures for the conduct of investigations. Aside from the OIOS manual of investigative procedure, issued in 1997 and widely copied in whole or in part by others, few written procedures exist.

17. The existence of clear guidelines and procedures that can be used by programme managers to assess the matters brought to their attention and by security and other local staff who are assigned by programme managers to investigate less serious matters is crucial for the integrity of the investigative process. To address this issue, procedures need to be developed that provide adequate guidance. For the professional investigative oversight offices assigned responsibility for an office's serious cases, the Investigations Division of OIOS in 2001 prepared procedural guidelines. This fact was noted by the Joint Inspection Unit. Because the procedures needed to take into account the differences in the mandates, operations and staffing of the oversight units in the United Nations system and the multilateral financial institutions, they were not prepared in the format of a standard step-by-step guide to investigations. Rather, they provide a framework for the conduct and regulation of investigations. Among other things, the guidelines define the roles and responsibilities of the Organization and the staff involved in investigations; describe the ethical and legal duties of investigators; delineate the critical stages and procedures of an investigation; provide for confidentiality and the protection of witnesses; and describe the due process rights of suspects. In April 2003, the Fourth Conference of International Investigators, meeting in Brussels, endorsed the Uniform Guidelines for Investigations (see annex III). Those guidelines could serve as a model for the development of procedures for locally handled matters, but clearly such procedures would need to be more detailed to take into account the specific needs and requirements of the Organization and to be explicit about responsibilities.

III. Findings

A. Responses by the offices

18. OIOS requested 59 offices to provide information on investigations by 15 April 2003, but many of the responses were not received until months later. Each of the offices provided some response, but the quality and comprehensiveness of responses varied significantly (see annex II).

19. The offices provided only limited data, except for peacekeeping missions, which supplied a substantial amount of information. The data received are listed by office and by category of information, as requested in the memorandum from the Under-Secretary-General for Internal Oversight Services to department heads (see annex I). The responses seem to indicate, again with a few notable exceptions, that few offices conduct investigations. Even those that do conduct investigations have only a few per year. Of the 59 offices, only 12 reported having conducted more than five investigations in 2002; of the 12, 9 were peacekeeping missions where traffic accidents accounted for the vast majority of "investigations".

20. Of those who responded to the request for information about the involvement of programme managers, including those managers who might have been involved as subjects or witnesses, only three non-peacekeeping offices reported affirmatively on a total of six cases for the year.

21. The responses also clearly indicate that, aside from the basic investigative course, training in investigations in the United Nations system is virtually non-existent, despite the strong recommendation of the Joint Inspection Unit. Moreover, aside from references to existing United Nations rules, regulations and administrative issuances, the responses indicate that no written procedures for the conduct of investigations exist other than the OIOS investigations manual and the memorandums issued by the Inspector General's Office of the Office of the United Nations High Commissioner for Human Rights. Again, the responses indicate that the recommendation of the Joint Inspection Unit in this regard has not yet been implemented.

B. Analysis of the responses

22. The responses received indicate that most offices lack the professional capacity to handle the investigation function, placing the Organization at an unreasonable risk of injury from misconduct by its employees, consultants, contractors and others. The responsibility for the investigation function is unnecessarily diffused among a host of entities, including internal oversight units, security and safety services, boards of inquiry and managers of programmes and administrative services. Assigning responsibility for the more serious matters to professional investigative offices will help to protect against the erosion of the three key principles — independence, training and procedure — necessary for professional investigation functions.

23. Throughout the Organization, managers have responsibility for responding to matters requiring investigation. This practice poses questions for both the independence of management and the integrity of the investigative process. While it is not suggested that management should be precluded from having a role in investigations, the situations in which such participation is allowed need to be clearly defined, kept within strict but reasonable limits, be subject to review and oversight and be guided by the Uniform Guidelines.

IV. Conclusions

24. The present review confirms the observation of the Joint Inspection Unit that professional investigation function is essential in the United Nations and needs to be

developed where it does not exist. To operate effectively and impartially, the function requires:

(a) Independence, ensuring a clear separation between the investigation functions and the persons and issues involved in the inquiries;

(b) Training in the conduct of investigations;

(c) Written procedures, guidelines, instructions or protocols for receiving complaints, conducting investigations and issuing reports.

25. OIOS believes that the paucity of information provided in the responses of the offices may be due to the inadequate ability of programme managers to handle investigations arising from, for instance, a lack of proper training or the non-use of guidelines. It may, therefore, be that matters within those offices that should be investigated are not. Indeed, the yearly increase in reports of serious matters to OIOS suggests that there has been no decrease in the overall number of matters reported within the offices.

26. OIOS has classified high-risk, complex matters and serious criminal cases as belonging to category I. Inquiries into such matters are best handled by independent, professionally trained and experienced investigators. When programme managers or others identify such cases, they should be brought to the attention of the professional investigators in the respective office's oversight unit or to OIOS. Category I cases would normally include the following:

- Serious or complex fraud
- Other serious criminal act or activity
- Abuse of authority or staff
- Conflict of interest
- Gross mismanagement
- Waste of substantial resources
- All cases involving risk of loss of life to staff or to others, including witnesses
- Substantial violation of United Nations regulations, rules or administrative issuances
- Complex proactive investigations aimed at studying and reducing risk to life and/or United Nations property

27. Cases of lower risk to the Organization are classified by OIOS as belonging to category II and include the following:

- Personnel matters
- Traffic-related inquiries
- Simple thefts
- Contract disputes
- Office management disputes
- Basic misuse of equipment or staff
- Basic mismanagement issues

- Infractions of regulations, rules or administrative issuances
- Simple entitlement fraud

28. Such routine matters can continue to be handled at the direction of programme managers. As noted by the Joint Inspection Unit, for all investigative activity some formal training and written procedures are essential for the proper conduct of cases, as such investigations can result in sanctions against staff or contractors. For those matters involving possible illegal activity, even at the modest level envisioned in category II cases, however, the use of trained professional investigators is essential. Programme managers, including those responsible for security in duty stations and field offices, should also be free to discuss, even informally, their own handling of matters with professional investigators.

29. An appropriate policy will have to be developed to clarify the role of programme managers in investigative activities. The policy should set out for programme managers procedures for classifying cases as either category I or category II and for following up thereafter. It is also important for OIOS to be kept informed of the results of category II investigations on a periodic basis so that it can have an overview of all matters that have been investigated in the Organization.

V. Proposals

30. OIOS proposes to undertake the following activities and submit a follow-up report to the General Assembly at its fifty-ninth session:

- OIOS, in consultation with the other relevant United Nations departments, as well as investigative units in other offices, will develop a policy on the role of programme managers in investigative activities that will, inter alia, set out procedures on classifying cases as category I or category II and on following up thereafter.
- OIOS will cooperate with other offices in the preparation of procedures for the handling of category II cases.
- OIOS, in collaboration with the Office of Human Resources Management, will look into how basic investigative training can be provided to United Nations departments, offices, funds and programmes, especially those considered high-risk operations.
- OIOS will advocate the further development of the independent investigation function within United Nations departments, offices, funds and programmes in coordination with the Board of Auditors, other external auditors and United Nations oversight offices. OIOS will provide advice on setting up independent investigation units in entities where they do not exist.
- OIOS will conduct a follow-up review with on-site visits to a selected number of departments and offices surveyed to examine their investigative capabilities and the involvement of their programme managers in investigations.

(*Signed*) Dileep **Nair**
Under-Secretary-General for Internal Oversight Services

Annex I

Memorandum from the Under-Secretary-General for Internal Oversight Services to the heads of departments, offices, funds and programmes

United Nations INTEROFFICE MEMORANDUM

Nations Unies MEMORANDUM INTERIEUR

TO: All Heads of Departments, Offices
A: Funds and Programmes

DATE: 10 March 2003
REFERENCE: 2079S/03

THROUGH: S/C DE

FROM: Dileep Nair, Under-Secretary General for
DE: Internal Oversight Services

SUBJECT: **Review of the practice of involving UN progamme managers in**
OBJET: **investigations – ID Case No. 078/03**

1. In considering the report of the Joint Inspection Unit entitled "Strengthening the investigations functions in United Nations systems organizations", the General Assembly requested the Secretary-General to:

- Ensure that UN programme managers implicated are not involved, in any way, in conducting investigations;
- Review the practice of involving programme managers in investigation processes so as to ensure their independence in administrative and managerial functions;
- Establish proper guidelines in this regard.

2. The Office of Internal Oversight Services (OIOS) has been entrusted with the responsibility of reporting on this to the General Assembly and the report has to be submitted by the 58th session.

3. To meet the timetable for the review, OIOS requests your assistance in compiling the following information, by 15 April 2003, about investigations conducted in your Programme, Department or Office during the calendar year 2002:

a) A list of all investigations conducted and a brief description of each, with the location(s), offices or units involved as well as the manager(s) responsible for conducting, supervising and approving the investigation;
b) A list of all investigations in which managers were involved with a notation as to whether they were witnesses or subjects;
c) A copy of every investigation report or concluding document;
d) A list of all matters received but not investigated;
e) A description of training provided to those responsible for conducting investigations and the names of those trained;
f) A copy of all guidelines, directives and instructions provided for the conduct of these investigations.

4. If no investigations were conducted in your office or no complaints were reported, please indicate this in your response to us. Also, if the only investigations conducted during 2002 were by OIOS, please indicate this, too.

5. As it may be necessary for us to contact you for further information, please designate a person to be the focal point for this review and notify me in your response. Should you have any questions in connection with this request, please contact Ms. Barbara Dixon, Director of the Investigations Division, at telephone number (212) 963 5663, or Mr. Francis Montil, Senior Investigator, at telephone number (212) 963 5151.

6. Thank you for your cooperation.

Copy to: Mr. Riza
Ms. Bertini
Ms. Dixon

Annex II

Investigations conducted by United Nations programme managers in 2002

Department/office	*Number of*				*Training programme*	*Guidelines, directives and/or instructions*	*Matters reported to OIOS Investigations Division*
	Investigations conducted	*Investigations in which managers were involved as witnesses or subjects*	*Investigative reports or concluding documents*	*Matters received but not investigated*			
Department for Disarmament Affairs	0	0	0	0	No response	No response	0
Department of Economic and Social Affairs	0	0	0	0	No response	No response	2
Department for General Assembly and Conference Management	2	0	0	0	No training	No guidelines, directives or instructions	13
Department of Management	0	0	0	0	No response	No response	18
Department of Political Affairs	0	0	0	0	No response	No response	1
Department of Public Information	3	No response	3	No response	No response	ST/AI/371, Administrative Law Unit advice	4
Economic Commission for Africa	0	0	0	No response	No response	No response	5
Economic Commission for Europe	0	0	0	0	No response	No response	0
Economic Commission for Latin America and the Caribbean	0	0	0	0	No response	No response	3
Economic and Social Commission for Asia and the Pacific	0	0	0	0	No training	ST/AI/371	2
Economic and Social Commission for Western Asia	1	0	1	1	No training	No guidelines, directives or instructions	1
International Research and Training Institute for the Advancement of Women	0	0	0	No response	No response	No response	0
International Trade Centre UNCTAD/WTO	Investigations done by OIOS Investigations Division						0
Office for the Coordination of Humanitarian Affairs	0	0	0	No response	No response	No response	4

Department/office	Number of: Investigations conducted	Investigations in which managers were involved as witnesses or subjects	Investigative reports or concluding documents	Matters received but not investigated	Training programme	Guidelines, directives and/or instructions	Matters reported to OIOS Investigations Division
Office of the United Nations High Commissioner for Human Rights	0	0	0	0	No response	No response	3
Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States	0	0	0	0	No response	No response	0
Office of Legal Affairs	0	0	0	0	No response	No response	1
Special Representative of the Secretary-General for Children and Armed Conflict	0	0	0	0	No response	No response	0
UN-Habitat	Investigations done by OIOS Investigations Division						8
Joint United Nations Programme on HIV/AIDS	No data provided						0
United Nations Conference on Trade and Development	2	No response	No response	No response	No response	No response	4
United Nations Development Programme	No data provided						11
United Nations Fund for International Partnerships	0	0	0	0	No response	No response	1
United Nations Population Fund	No response	0	No response	No response	No response	No response	1
Office of the United Nations High Commissioner for Refugees[a]	58	No response	No response	No response	OIOS basic investigation course and other ad hoc courses[b]	Memorandums of the Inspector General's Office	27
United Nations Children's Fund	No response	No response	No response	No response	Ad hoc	No response	3
United Nations Institute for Training and Research	0	0	0	0	No response	No response	0
United Nations Joint Staff Pension Fund	No data provided						0
United Nations Office at Geneva	100	0	No response	No response	OIOS basic investigative course	No response	12

Department/office	Number of: Investigations conducted	Number of: Investigations in which managers were involved as witnesses or subjects	Number of: Investigative reports or concluding documents	Number of: Matters received but not investigated	Training programme	Guidelines, directives and/or instructions	Matters reported to OIOS Investigations Division
Office of the Iraq Programme	0	0	Not available	0	No training	Briefing/guidance by legal adviser	3
United Nations Office at Nairobi and United Nations Environment Programme	5	0	3	0	OIOS basic investigative course	As provided by OIOS	21
United Nations Office for Project Services	3	2	3	No response	No training	Legal and Procurement Support Division Guidelines and instructions	3
United Nations Office at Vienna and United Nations Office on Drugs and Crime	5[c]	1	5	3	OIOS basic investigative course	OIOS investigations manual and ST/AI/371	16
United Nations Relief and Works Agency for Palestine Refugees in the Near East	37	0	0	0	OIOS basic investigative course	Guidelines of the Agency's Department of Legal Affairs and personnel directive A/10 on disciplinary measures	1
United Nations University	0	0	0	0	No training	None	1
World Food Programme[d]	71	No response	18	No response	No training	Uniform Guidelines for Investigations	5
Department of Peacekeeping Operations							8
United Nations Peace-building Support Office in the Central African Republic	0	0	0	0	No response	No response	0
United Nations Verification Mission in Guatemala	2	0	2	1	No response	No response	3
United Nations Mission for the Referendum in Western Sahara	4	0	4	0	No response	No response	1
United Nations Organization Mission in the Democratic Republic of the Congo	349	No response	No response	No response	No response	No response	39

Department/office	Number of: Investigations conducted	Investigations in which managers were involved as witnesses or subjects	Investigative reports or concluding documents	Matters received but not investigated	Training programme	Guidelines, directives and/or instructions	Matters reported to OIOS Investigations Division
United Nations Assistance Mission in Afghanistan	6	0	6	0	Aircraft accident investigation course taken by the Mission's aviation safety officer	United Nations Aviation Safety Manual and Annex 13 to the Convention of International Civil Aviation, "Aircraft Accident and Incident Investigation"	3
United Nations Mission in Sierra Leone	596[e]	Available upon request	Available upon request	0	No response	United Nations rules and regulations, administrative guidelines of the Mission, security standing operating procedures and Field Administration Handbook	14
United Nations Disengagement Observer Force	0	0	0	0	No response	No response	1
United Nations Peacekeeping Force in Cyprus	14	0	14	0	No response	No response	1
United Nations Interim Force in Lebanon	5	0	5	0	No response	No response	4
United Nations Logistics Base at Brindisi	0	0	0	No response	No response	No response	0
United Nations Mission in Ethiopia and Eritrea	14	0	14	No response	No response	Briefing by legal advisers or board of inquiry officer	1
United Nations Mission in Bosnia and Herzegovina	26[f]	0	26	No response	No response	No response	11
United Nations Interim Administration Mission in Kosovo[g]	111	27	111	5	No response	Local information circulars, local laws, ST/AI/371 and ST/AI/379	109
United Nations Mission of Support in East Timor[h]	425	58	Available upon request	No response	Ad hoc and OIOS basic investigative course	United Nations standard guidelines and directives	46
United Nations Military Observer Group in India and Pakistan	1	1	1	0	No training	None	2

Department/office	Number of: Investigations conducted	Investigations in which managers were involved as witnesses or subjects	Investigative reports or concluding documents	Matters received but not investigated	Training programme	Guidelines, directives and/or instructions	Matters reported to OIOS Investigations Division
United Nations Office in Burundi	0	0	0	0	No response	No response	0
United Nations Office of the Humanitarian Coordinator for Iraq	3	3	3	0	No training	Briefing by legal officer	4
United Nations Observer Mission in Georgia	1	1	1	No response	No response	Terms of references for investigations	0
United Nations Political Office in Bougainville	0	0	0	No response	No response	No response	0
United Nations Political Office for Somalia	0	0	0	0	No response	No response	0
Office of the United Nations Special Coordinator in the Occupied Territories	0	0	0	No response	No response	No response	0
United Nations Tajikistan Office of Peace-building	0	0	0	No response	No response	No response	0
United Nations Truce Supervision Organization	3	0	3	0	No response	Field Administration Handbook	0
Total	**1 847**	**93**	**223**	**10**	-	-	**421**[i]

[a] Investigations were conducted by the Office of the Inspector General.

[b] The Office of Internal Oversight Services basic investigative course has been offered to those responsible for conducting investigations, such as security officers and board of inquiry members.

[c] In addition, the Security and Safety Section investigates a large number of incidents that occur on the premises of the Vienna International Centre.

[d] Data are reported in the report of the Office of the Inspector General to the World Food Programme Executive Board for the period 2000-2001.

[e] This number includes 211 incidents and 385 traffic accidents reported to mission management in 2002.

[f] This number includes 20 traffic accidents involving a finding of gross negligence against the Mission.

[g] A total of 77 traffic accident investigations and vehicle thefts were reported to the Mission in 2002.

[h] A total of 83 investigations were conducted by the United Nations civilian police, 75 by the board of inquiries and 285 by the Investigations Unit of the Security Section of the Mission in 2002.

[i] Of a total of 599 matters reported to the OIOS Investigations Division in 2002, only 421 related to the United Nations offices, departments and programmes listed above.

Annex III

Uniform Guidelines for Investigations

Proposed by the Office of Internal Oversight Services and the World Bank and adopted at the Fourth Conference of International Investigators, Brussels, April 2003

Preamble

International and multilateral institutions have engaged in reform efforts designed to promote accountability and efficiency: such institutions have established internal offices with responsibility for the conduct of investigations. Towards that end, the participating investigative offices have agreed on the need to harmonize their practices and endorse a set of uniform guidelines for investigations.

The Guidelines set out in this document are intended to be used as guidance in the conduct of investigations in conjunction with the rules and regulations applicable in the organization carrying out the investigation.

They do not and are not intended to confer, impose or imply any duties, obligations or rights actionable in a court of law or in administrative proceedings on the organization carrying out the investigation. Nothing in the present guidelines should be interpreted as limiting the rights and obligations of the staff of the organization as per its rules and regulations.

The following guidelines are endorsed by the participants from the institutions and organizations attending the Conference:

Uniform guidelines for investigations

I. Key concepts: predicates

A. Organization

1. Establish, publish and update clear rules of conduct for staff, investigators and relevant parties.
2. Provide assigned responsibilities clearly and in writing.
3. Provide for fairness, transparency and consistency in the application of the rules of the organization.
4. Establish and publish a mandate for the investigation functions with the effect of a rule or principle.
5. Work to maintain fairness in the application of sanctions.
6. Provide rules that encourage witnesses and other persons to assist in investigations.

B. Staff

1. Protect the interests of the organization in the conduct of their work.
2. Abide by the rules and regulations published by the organization.

3. Abide by procedures published by the organization.

4. Cooperate with investigations pursuant to the mandate.

C. Investigators

1. Abide by mandate provisions, rules and regulations of the organization and applicable laws of relevant jurisdictions.

2. Operate with objectivity and independence.

3. Maintain confidentiality.

4. Disclose any actual or potential conflicts of interest to supervisors and recuse themselves from any involvement in the investigation.

II. Terms used

- Investigations: a legally based and analytical process designed to gather information in order to determine whether wrongdoing occurred and if so, the persons or entities responsible
- Persons: natural persons
- Parties: persons or entities engaged in contractual arrangements with the organization or its members.
- Complaint: a written or verbal report alleging wrongdoing in or involving the organization
- Complainant: a person or entity making a complaint
- Investigative office/oversight office: the office designated by the organization to conduct investigations or to supervise the conduct of investigations
- Managers: persons at senior levels designated by the organization to supervise people, projects and/or financing of the organization

III. Principles

A. Investigation is a profession requiring the highest personal integrity.

B. Persons responsible for the conduct of an investigation should demonstrate competence.

C. Investigators should maintain objectivity, impartiality and fairness throughout the investigative process and disclose in a timely manner any conflicts of interest to supervisors.

D. Investigators should endeavour to maintain both the confidentiality and, to the extent possible, the protection of witnesses.

E. The conduct of the investigation should demonstrate the investigator's commitment to ascertaining the facts of the case.

F. Investigative findings should be based on substantiated facts and related analysis, not suppositions or assumptions.

G. Recommendations should be supported by the investigative findings.

IV. Procedural guidelines

A. Preparation

1. Complaints brought to the attention of investigative offices should be subject to careful analysis and handling.

2. Complaints, which may include criminal conduct or acts contrary to the rules and regulations of the organization, should be registered, reviewed and evaluated to determine if they fall within the jurisdiction or authority of the investigative office.

3. Information received by the investigative office should be protected from unauthorized disclosure.

4. The identities of those who make complaints to the investigative office should be protected from unauthorized disclosure.

5. Every investigation should be documented by the investigative office.

6. Decisions on which investigations should be pursued and on which investigative activities are to be utilized in a particular case rest with the investigative office, and should include whether there is a legitimate basis to warrant the investigation and commit the necessary resources.

7. The preparation for the conduct of an investigation should include necessary research of the relevant national laws and rules and regulations of the organization; the evaluation of the risks involved in the case; the application of analytical rigour to the evidence to be obtained and the assessment of the value, relevance and weight of the evidence; the measurement of the evidence against the relevant laws, rules and regulations; and the consideration of the means and time by which the findings should be reported and to whom.

8. The planning and conduct of the investigation should reasonably ensure that the resources devoted to an investigation are proportionate to the allegation and the potential benefits of the outcome.

9. The planning should include the development of success criteria for the identification of appropriate and attainable goals for the investigation.

B. Investigative activity

1. Investigative activity should include the collection and analysis of documents and other material; the review of assets and premises of the organization; interviews of witnesses; observations of the investigators; and the opportunity for the subject(s) to respond to the complaints.

2. Investigative activity and critical decisions should be documented and reviewed regularly with the managers of the investigative offices.

3. Investigative activity should require the examination of all evidence, both inculpatory and exculpatory.

4. Evidence should be subject to validation, including corroborative testimonial, forensic and documentary evidence.

5. To the extent possible, interviews should be conducted by two investigators.

6. Documentary evidence should be identified and filed with the designation of origin of the document, location and date with the name of the filing investigator.

7. Evidence likely to be used for judicial or administrative hearings should be secured and custody maintained.

8. Investigative activities of an investigative office should not be inconsistent with the rules and regulations of the organization and should give due consideration to the applicable laws of the State where such activities occur.

9. The investigative office may utilize informants and other sources of information and may assume responsibility for reasonable expenses incurred by such informants or sources.

10. Interviews should be conducted in the language of the person being interviewed using independent interpreters, unless otherwise agreed.

11. The investigative office may seek advice on the legal, cultural and ethical norms in connection with an investigation.

C. Confidentiality and the protection of witnesses

1. Where it is has been established that a witness or other person assisting in the investigative office's investigation has suffered retaliation because of assisting in an investigation, the investigative office should undertake, or otherwise engage management to undertake, actions so as to prevent such acts from taking effect or otherwise causing harm to the person.

2. Where an individual makes a complaint on a matter subject to the authority of the investigative office, that individual's identity should be protected from unauthorized disclosure by the investigative office.

3. Where there has been an unauthorized disclosure of the identity of a witness or other person assisting in the investigative office's investigation by a staff member of the investigative office, available disciplinary measures should be pursued.

D. Due process

1. Subjects of investigation should be advised by the investigative office of the complaints against them, with the time and manner of disclosure to be made keeping in mind fairness to the subject, the need to protect the integrity of the investigation and the interests and rules of the organization.

2. Investigative methods may include the gathering of documentary, video, audio, photographic or computer forensic evidence at the election of the investigative office, provided such activities are not inconsistent with the applicable rules and regulations of the organization and with due consideration to the applicable laws of the State where the activity occurs.

3. Information received from witnesses and subjects should be documented in writing.

E. Findings

1. Where the investigative findings substantiate the complaint, those findings should be reported to the appropriate managers along with recommendations for corrective action, where appropriate, which may include redress in courts, in disciplinary or debarment proceedings and in other sanctions available to the manager, and for the steps needed to minimize the risk of recurrence.

2. Where investigative findings are either insufficient to substantiate or discredit the complaint, those findings should be reported and the affected subject cleared.

3. Where investigative findings adduced during an investigation tend to show that the laws of a State have been violated, consideration should be given to referring the case to the appropriate national law enforcement agency.

4. Where there are investigative findings tending to prove that the complaint was made in bad faith or with malicious or negligent disregard of the facts, the investigative office may recommend that appropriate action be taken against the complainant. However the mere fact that the complaint is found by the investigative office to be unsubstantiated is insufficient for such response.

5. The standard of proof should conform to the standards required by the organization and/or the national jurisdiction for referrals, but should generally be reasonably sufficient evidence.

6. The investigative office should strive to ensure that its recommendations are implemented in a timely fashion.